

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JOSEPH PEARN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:10CV429-HEH
)	
MICHAEL J. ASTRUE,)	
)	
Defendant.)	

FINAL ORDER

(Adopting the Report and Recommendation of the United States Magistrate Judge)

This is an action contesting the denial of Social Security Disability payments by the Commissioner of Social Security. It is presently before the Court on a Report and Recommendation (“R&R”) filed by the Honorable Dennis W. Dohnal, United States Magistrate Judge, on April 7, 2011 (Dk. No. 18). Plaintiff filed no objections to the R&R. However, on April 8, 2011 Plaintiff filed a Motion for a Hearing, the full text of which reads: “I ask the honorable court for an inhouse [sic] court session before the honorable court makes it’s [sic] final decision.” (Pl.’s Mot. Hr’g., ECF No. 19.)

As the Fourth Circuit noted in *Beaudett v. City of Hampton*, “though [*pro se*] litigants cannot, of course, be expected to frame legal issues with the clarity and precision ideally evident in the work of those trained in law, neither can district courts be required to conjure up and decide issues never fairly presented to them.” 775 F.2d 1274, 1276 (4th Cir. 1985). Plaintiff’s request for oral argument does not constitute an objection to


the R&R. Thus, Plaintiff has failed to raise any objections to the Magistrate Judge's R&R.

Accordingly, having reviewed the R&R and there being no objections, the Court finds that there is no clear error on the face of the record. The Court HEREBY ACCEPTS and ADOPTS the R&R. In accordance with the R&R, Plaintiff's Motion for Summary Judgment (Dk. No. 11) is DENIED. Defendant's Motion for Summary Judgment (Dk. No. 14) is GRANTED. The final decision of the Commissioner is AFFIRMED.

Plaintiff's failure to raise objections to the Magistrate Judge's R&R waives his right to appellate review of this Order. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315-16 (4th Cir. 2005); *Page v. Lee*, 337 F.3d 411, 416 n.3 (4th Cir. 2003).

The Clerk is directed to send a copy of this Order to all counsel of record and to *pro se* Plaintiff.

It is SO ORDERED.

 /s/

Henry E. Hudson
United States District Judge

Date: July 26, 2011
Richmond, VA